

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0350-SLG-E TCEQ ID: RN103099297 CASE NO.: 32876
RESPONDENT NAME: Jerry Long

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input checked="" type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 319 East Sturdivant Road, Palo Pinto County</p> <p>TYPE OF OPERATION: Beneficial land use site</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 18, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Jerry L. Long, Operator, Beneficial Land Use Site, 201 Northwest 31st Street, Mineral Wells, Texas 76067 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 10, 2006</p> <p>Date of NOE Relating to this Case: February 16, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>WASTE</p> <p>1) Failed to obtain authorization from the TCEQ prior to disposing of wastewater treatment plant sludge. Specifically, the Respondent disposed of non-domestic wastewater treatment plant sludge on March 17, 2006, at a site authorized only for domestic septage sludge disposal [30 TEX. ADMIN. CODE § 312.4(a)].</p> <p>2) Failed to meet setback distances from newly constructed, occupied, residence. Specifically, the Respondent failed to amend the registration to meet the buffer distance requirements, or provide a written and signed agreement with the owner of the occupied residence [30 TEX. ADMIN. CODE § 312.44(c)(2)].</p>	<p>Total Assessed: \$1,590</p> <p>Total Deferred: \$318 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,272</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Site:</p> <p>a. Implemented a corrective action plan to cease the disposal of wastewater treatment plant sludge on the Site and to prevent future disposal as of August 14, 2006; and</p> <p>b. Provided a written and signed agreement from the owner of the occupied residence that is located within the registrations setback limits on September 25, 2006.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	5-Mar-2007	Screening	7-Mar-2007	EPA Due	
	PCW	13-Mar-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Jerry Long
Reg. Ent. Ref. No.	RN103099297
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	32876	No. of Violations	2	
Docket No.	2007-0350-SLG-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Samuel Short	
Multi-Media		EC's Team	EnforcementTeam 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$1,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 6% Enhancement Subtotals 2, 3, & 7 \$90

Notes: A 6% enhancement is recommended for having three NOV's for non-similar violations within the last five years.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: Since the unauthorized waste will not be removed from the site, the respondent does not meet the good faith criteria.

Subtotal 6 \$0

Total EB Amounts	\$1,068
Approx. Cost of Compliance	\$1,300

0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$1,590

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount \$1,590

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$1,590

DEFERRAL 20% Reduction Adjustment -\$318

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY \$1,272

Screening Date 7-Mar-2007

Docket No. 2007-0350-SLG-E

PCW

Respondent Jerry Long

Policy Revision 2 (September 2002)

Case ID No. 32876

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN103099297

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 6% enhancement is recommended for having three NOV's for non-similar violations within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 6%

Screening Date 7-Mar-2007

Docket No. 2007-0350-SLG-E

PCW

Respondent Jerry Long

Policy Revision 2 (September 2002)

Case ID No. 32876

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN103099297

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 312.4(a)

Violation Description

Failed to obtain authorization from the TCEQ prior to disposing of wastewater treatment plant sludge. Specifically, the respondent disposed of non-domestic wastewater treatment plant sludge on March 17, 2006, at a site authorized only for domestic septage sludge disposal as documented in an investigation conducted on August 10, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

150 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,066

Violation Final Penalty Total \$1,060

This violation Final Assessed Penalty (adjusted for limits) \$1,060

Economic Benefit Worksheet

Respondent Jerry Long
Case ID No. 32876
Reg. Ent. Reference No. RN103099297
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	17-Mar-2006	14-Aug-2006	1.3	\$66	\$1,000	\$1,066
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly dispose of wastewater treatment plant sludge. The date required is the date the respondent disposed of wastewater treatment plant sludge. The final date is the date the respondent came into compliance.

Approx. Cost of Compliance	\$1,000	TOTAL	\$1,066
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Screening Date 7-Mar-2007

Docket No. 2007-0350-SLG-E

PCW

Respondent Jerry Long

Policy Revision 2 (September 2002)

Case ID No. 32876

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN103099297

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 312.44(c)(2)

Violation Description

Failed to meet setback distances from a newly constructed, occupied, residence. Specifically, the respondent failed to amend the registration to meet the buffer distance requirements, or provide a written and signed agreement with the owner of the occupied residence as documented in an investigation conducted on August 10, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environment.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

46 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$530

This violation Final Assessed Penalty (adjusted for limits) \$530

Economic Benefit Worksheet

Respondent Jerry Long
Case ID No. 32876
Reg. Ent. Reference No. RN103099297
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$300	10-Aug-2006	25-Sep-2006	0.1	\$2	n/a	\$2
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to amend the registration or provide a written and signed agreement from the owner of the occupied residence. The date required is the date the respondent was required to amend the registration or provide a written and signed agreement from the owner of the occupied residence. The final date is the date the respondent provided a written and signed agreement from the owner of the occupied residence.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$2

Compliance History

Customer/Respondent/Owner-Operator: CN601634561 LONG, JERRY Classification: AVERAGE Rating: 1.00
 Regulated Entity: RN103099297 JERRY LONG BLU SITE Classification: AVERAGE Site Rating: 1.50
 ID Number(s): SLUDGE PERMIT 710322
 Location: 319 E STURDIVANT RD, MINERAL WELLS, TX, 76067 Rating Date: 9/1/2006 Repeat Violator: NO
 TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: March 05, 2007
 Agency Decision Requiring Compliance: Enforcement
 Compliance Period: March 05, 2002 to March 05, 2007
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Samuel Short Phone: (512) 239-5363

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

- B. Any criminal convictions of the state of Texas and the federal government.
N/A

- C. Chronic excessive emissions events.
N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 05/15/2003 | (36454) |
| 2 | 09/25/2003 | (249169) |
| 3 | 05/18/2004 | (267722) |
| 4 | 11/15/2004 | (338143) |
| 5 | 09/29/2005 | (433136) |
| 6 | 10/26/2006 | (497687) |

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|------------|---|----------|-------------------------|
| Date: | 05/14/2003 | (36454) | |
| Self | NO | | Classification Moderate |
| Citation: | 30 TAC Chapter 312. SubChapter B 312.44(i)(1) | | |
| Descriptio | Failure to conduct annual soil sampling last year as required by rule (30 TAC 312.44(i)) and registration #710722 Section V.G. | | |
| Date: | 05/12/2004 | (267722) | |
| Self | NO | | Classification Moderate |
| Citation: | 30 TAC Chapter 312. SubChapter B 312.44(i)(2) | | |
| Descriptio | Failure to apply sludge uniformly over the surface of the land. | | |
| Date: | 11/12/2004 | (338143) | |
| Self | NO | | Classification Moderate |
| Citation: | 30 TAC Chapter 312. SubChapter B 312.44(i)(1)(G) | | |
| Descriptio | Failure to conduct annual soil sampling last year as required by rule (30 TAC 312.44(i)) and registration #710322 Section (V.)(G.). | | |

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JERRY LONG
RN103099297**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0350-SLG-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jerry Long ("Mr. Long") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Long appear before the Commission and together stipulate that:

1. Mr. Long operates a beneficial land use site at 319 East Sturdivant Road in Palo Pinto County, Texas (the "Site").
2. The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and Mr. Long agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Long is subject to the Commission's jurisdiction.
4. Mr. Long received notice of the violations alleged in Section II ("Allegations") on or about February 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Long of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Five Hundred Ninety Dollars (\$1,590) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Long has paid One Thousand Two Hundred Seventy-Two Dollars (\$1,272) of the administrative penalty and Three Hundred Eighteen Dollars (\$318) is deferred contingent

upon Mr. Long's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Long fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Long to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Long have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Mr. Long has implemented the following corrective measures at the Site:
 - a. Implemented a corrective action plan to cease the disposal of wastewater treatment plant sludge on the Site and to prevent future disposal as of August 14, 2006; and
 - b. Provided a written and signed agreement from the owner of the occupied residence that is located within the registrations setback limits on September 25, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Long has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Site, Mr. Long is alleged to have:

1. Failed to obtain authorization from the TCEQ prior to disposing of wastewater treatment plant sludge, in violation of 30 TEX. ADMIN. CODE § 312.4(a), as documented during an investigation conducted on August 10, 2006. Specifically, Mr. Long disposed of non-domestic wastewater treatment plant sludge on March 17, 2006, at a site authorized only for domestic septage sludge disposal.
2. Failed to meet setback distances from newly constructed, occupied, residence, in violation of 30 TEX. ADMIN. CODE § 312.44(c)(2), as documented during an investigation conducted on August 10, 2006. Specifically, Mr. Long failed to amend the registration to meet the buffer distance requirements, or provide a written and signed agreement with the owner of the occupied residence.

III. DENIALS

Mr. Long generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

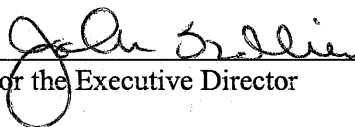
1. It is, therefore, ordered by the TCEQ that Mr. Long pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Long's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Jerry Long, Docket No. 2007-0350-SLG-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Long. Mr. Long is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Long in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Long, or three days after the date on which the Commission mails notice of the Order to Mr. Long, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

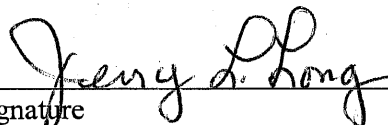
8/23/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-6-07
Date

JERRY L. LONG

Name (Printed or typed)
Authorized Representative of
Jerry Long

Operator - BLU-SITE

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

